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02/12/01
1c867 U.S. PTO

PATENT

ATTORNEY DOCKET NO. CGNE.099.04US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: McBride and Stalker

) Examiner: Not Yet Assigned

Serial No.: Not Yet Assigned

) Art Unit: Not Yet Assigned

Filed: February 9, 2001

) UTILITY PATENT APPLICATION
) TRANSMITTAL

For: **METHODS AND COMPOSITIONS FOR
REGULATED TRANSCRIPTION AND
EXPRESSION OF HETEROLOGOUS
GENES**

1c903 U.S. PTO
09/782130
02/12/01

BOX PATENT APPLICATION

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

This is a request for filing a continuation patent application under 37 C.F.R. § 1.53(b) of prior application 09/232,861, filed January 15, 1999 in the name of inventors:

Vic. C. Knauf and Jean C. Kridl

For: **METHODS AND COMPOSITIONS FOR REGULATED TRANSCRIPTION AND
EXPRESSION OF HETEROLOGOUS GENES**

Attorney Docket No.: CGNE.099.04US

CERTIFICATE OF EXPRESS MAILING

"Express Mail" Label No.: EL 737340911 US

Date of Deposit: 2-12-01

I hereby certify under 37 C.F.R. 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to BOX PATENT APPLICATION, Commissioner of Patents and Trademarks, Washington, D.C., 20231.

(Signature)

(Printed Name)

Francis Guerny

Application Elements:

87 Pages of Specification, Claims and Abstract

40 Sheets of formal drawings

☒ Declaration

☐ Unexecuted Combined Inventor Declaration and Power of Attorney

☒ Copy from prior application (37 CFR 1.63(d) for a continuation or divisional).

The entire disclosure of the prior application from which a copy of the declaration is herein supplied is considered as being part of the disclosure of the accompanying continuation application and is hereby incorporated by reference therein.

☒ Executed Revocation and Appointment of New Power of Attorney (copy from priority application serial no. 08/812,665)

☐ Deletion of inventors Signed statement attached deleting inventor(s) named in the prior application, *see* CFR 1.63(d)(2) and 1.33(b).

☒ Copy of Notice of Recordation of Assignment for priority application no. 08/812,665

Accompanying Application Parts:

☐ Assignment and Assignment Recordation Cover Sheet (recording fee of \$40.00 enclosed)

☐ Power of Attorney

☐ 37 CFR 3.73(b) Statement by Assignee

☒ Information Disclosure Statement with Form 1449

☐ Copies of IDS Citations

☒ Preliminary Amendment

☒ Return Receipt Postcard

- ☐ Small Entity Statement(s) ☐ Statement filed in prior application.
Status still proper and desired.
- ☐ Other:
- ☐ A sequence listing.
- ☐ paper copy.
- ☐ Request to use computer readable copy from parent application.
- ☐ Statement in Compliance with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence.

Claim For Foreign Priority

- ☐ Priority of _____ Application No. _____ filed on _____
is claimed under 35 U.S.C. § 119
- ☐ The certified copy has been filed in prior application U.S. Application No. _____
- ☐ the certified copy will follow.

Extension of Time for Prior Pending Application

- ☐ A Petition for Extension of Time is being concurrently filed in the prior pending application. A copy of the Petition for Extension of Time is attached.

Amendments

- ☒ See Preliminary Amendment
- ☐ Amend the specification by inserting before the first line the sentence: "This is a ☒ Continuation ☐ Continuation-in-part ☐ Nonprovisional application of copending prior
- ☐ Application Serial No. _____ filed on _____.
- ☐ International Application _____ filed on _____, which designated the United States, disclosure of which is incorporated herein by reference."
- ☐ Cancel in this application original claims _____ of the prior application before calculating the filing fee

Fee Calculation (37 CFR § 1.16):

| | (Col. 1) | (Col. 2) | <u>SMALL ENTITY</u> | | <u>OTHER THAN A SMALL ENTITY</u> | |
|-----------------------------|------------------|----------------------|---------------------|------------|--------------------------------------|------------|
| <u>FOR:</u> | <u>NO. FILED</u> | <u>NO. EXTRA</u> | <u>RATE</u> | <u>FEE</u> | <u>RATE</u> | <u>FEE</u> |
| Basic Fee | 1 | | \$345 | \$0 | \$710 | \$710.00 |
| Total Claims | 49 | 29 | \$ 9 | \$0 | \$ 18 | \$522.00 |
| Indep. Claims | 10 | 7 | \$ 39 | \$0 | \$ 80 | \$560.00 |
| [X] Multiple Dep. Claims | | | \$130 | \$0 | \$270 | \$270.00 |
| Total Filing Fee: | | | | | | \$2062.00 |

TOTAL FEES: \$2062.00

- [X] A check including the amount of the above-indicated TOTAL FEES is attached.
- [] Please charge Deposit Account No.18-0020 in the amount of \$_____.
- [] No fee is required.
- [X] Conditional Petition for Extension of Time: An extension of time is requested in the present and/or the above-referenced parent application to provide for timely filing if an extension of time is still required after all papers filed with this transmittal have been considered.
- [X] The Commissioner is hereby authorized to charge any underpayment of the following fees associated with this communication, including any necessary fees for extension of time, or credit any overpayment to Deposit Account No. 18-0020.
- [X] Any filing fees under 37 CFR 1.16 including fees for the presentation of extra claims.
- [X] Any parent application processing fees under 37 CFR 1.17.

[X] A **duplicate** copy of this sheet is attached for accounting purposes.

Respectfully submitted,

Dated: 6 February, 2001

By: Jennifer Wahlsten
Jennifer L. Wahlsten, Ph.D.
Reg. No. 46,226

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BIR/JLW
Enclosures